

[G.R. No. 1481. February 17, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. LIBERATO EXALTACION ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

TORRES, J.:

March 26, 1903, the provincial fiscal of Bulacan presented to the court of that province an information charging Liberate Exaltacion and Buenaventura Tanchinco with the crime of rebellion, in that they, subsequently to the 4th day of November, 1901, willfully and illegally bound themselves to take part in a rebellion against the Government of the United States in these Islands, swearing allegiance to the Katipunan Society, the purpose of which was to overthrow the said Government by force of arms, this against the statute in the case made and provided.

In the course of the trial Don Pablo Tecson, the provincial governor of Bulacan, testified under oath that the two defendants were arrested in the month of March, 1903, the police some days before having captured a number of documents in the encampment of one Contreras, a so-called general of bandits, situated at a place called Langca, of the town of Meycauayan, among which documents appeared the papers now on pages 2 and 3 of the record, signed by the said Exaltacion and Tanchinco, who recognized the said documents when they were exhibited to them; that the said defendants stated to the witness that they had signed the said documents under compulsion; that the purpose of the Katipunan Society was to obtain the independence of the Philippines; that this statement was made in the house of the parish priest of Meycauayan in the presence of Exequiel Casas and Fernando Nieto. The latter, upon their examination as witnesses, testified to the same facts, stating that the defendants told Governor Tecson that they had signed the said documents under fear of death at

the hands of the thieves by whom they had been captured. The witness Casas, the municipal president of Meycauayan, testified that he held office as such in place of the former president, Don Tomas Testa, who was kidnaped in the month of October, 1902.

The said documents, the first of which was dated July 4 and the second July 17, 1902, were written in Tagalog, and contain an oath taken in the name of God, and a covenant on the part of the subscribers to carry-out the superior orders of the Katipunan, and never disobey them until their death in the defense of the mother country. The two accused, under oath, testified to having signed the said documents and alleged that they did so under compulsion and force while they were held as captives by the thieves; that the defendant Tanchinco was captured in the fields one day when he was going to work on his farm by three armed men, unknown to him, who asked him if he was an agent or friend of President Testa, and upon his replying in the negative they compelled him in view of his denial to sign a document, now on page 3 of the record.

The defendant Tanchinco cited Lazaro Yusay to testify to the fact that he was captured at a place called Kaibiga in the township of Novaliches, and that on the day following his release, having been unable to pay the \$300 which was demanded of him, he reported to the president, Tomas Testa. The defendant Liberato Exaltacion under oath testified that he was captured near Meycauayan by five persons, unknown, dressed as policemen and armed with guns or revolvers; that these men bound him and took him into the forest and there compelled him by threats of death to sign the document now on page 2 of the record; that, thereupon they allowed him to go upon promise to return. This defendant testified that Antero Villano and Tomas Eivera saw him while on the road in the hands of the thieves. Both the accused testified that as soon as they were released they presented themselves to the president, Don Tomas Testa, in the presence of witnesses, and subsequently went to Bonifacio Morales, a lieutenant of volunteers, and reported to him the fact that they had been captured.

The witnesses Morales, Lazaro Yusay, Antero Villano, Dalmacio Ferrer, and Hipolito de Leon—of whom the last two were present when Tanchinco appeared before Senor Testa, the president of Meycauayan, and reported to him what had happened to him—all testified to the same fact and corroborated the statements of the accused with respect to their capture and their subsequent report to

President Testa and to the witness Morales.

The evidence for the prosecution, and especially the two documents above referred to, signed by the accused, is not sufficient to prove the guilt of the latter or to justify the imposition upon them of the penalty inflicted by the judgment of the court below.

The facts, established by the evidence, that the defendants were kidnaped by brigands who belonged to the Contreras band, and that they signed the said documents under compulsion and while in captivity, relieve them from all criminal liability from the crime of rebellion of which they are charged. The conduct of the defendants in presenting themselves first to the local president of Meycauayan and subsequently to Lieut. Bonifacio Morales, of the Bulacan Government Volunteers, as soon as they were released by the bandits is corroborative of their testimony, and is the best demonstration of their innocence. This conclusion is not overcome by the trifling discrepancy between the testimony of the witness Yusay and that of the defendant Tanchinco nor the fact that Exaltacion was unable to determine the date when he was captured or that on which he appeared before President Testa.

The guilt of the defendants of the crime defined and punished by Act No. 292 not having been established at the trial beyond a reasonable doubt, we are of the opinion that the judgment below must be reversed and the defendants acquitted with the costs de oficio. The judge below will be informed of this decision and a copy of the judgment entered herein will be furnished him for his information and guidance. So ordered.

Arellano, C. J., Cooper, Willard, Mapa, McDonough, and Johnson, JJ., concur.